

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICANT : Jackowski, et al.
INVENTION : DIAGNOSIS AND TREATMENT OF EARLY PRE-
TYPE I DIABETES UTILIZING GLIAL
FIBRILLARY ACIDIC PROTEIN
SERIAL NUMBER : 09/954,972
FILING DATE : Sept. 17, 2001
EXAMINER : Nguyen, Bao Thuy
GROUP ART UNIT : 1641
OUR FILE REF. NO. : 2132.074

TO: Commissioner of Patents & Trademarks

PETITION UNDER 37 CFR § 1.102

SPECIAL STATUS FOR APPLICATIONS RELATING TO BIOTECHNOLOGY
FILED BY APPLICANTS WHO ARE SMALL ENTITIES

Sir:

This Petition is filed pursuant to 37 CFR 1.102, to request that application S.N.09/954,972, related to biotechnology, filed by George Jackowski et al., a small entity, and entitled "DIAGNOSIS AND TREATMENT OF TYPE-I DIABETES" be granted "special" status.

Applicant herein states that applicant is a small entity, such status being established for S.N. 09/954,972 by submission of the filing fee for a small entity on Dec. 14, 2001.

Applicant further states that the subject matter of the application is a major asset of the small entity.

Applicant additionally states that the development of the technology of S.N. 09/954,972 will be significantly impaired if examination of the patent application is delayed.

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The application deals with a diagnostic test kit and a

Page 1 of 2

process for diagnosing autoimmune diseases, particularly with relation to Type-I diabetes and precursor conditions thereof, in a patient. Development of the technology to a commercial level requires that an economy of scale be achieved. In order for this to happen, it is incumbent upon applicant to submit evidentiary materials to various manufacturers of diagnostic test kits and to professionals in the area of performance of clinical trials such that they will feel confident in expanding production of the claimed technology to a point at which it becomes sufficiently inexpensive to be put into widespread use. This will require that examination of the application be accelerated so that the likelihood of obtaining patent protection can be ascertained.

Therefore, applicant respectfully requests that this petition for "special" status be granted.

On information and belief, this Petition is submitted prior to mailing of an action on the merits.

The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code

(DATE)

July 4, 2002

George Jackowski

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MCHALE & SLAVIN, P.A.
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RELATED LICENSING & LITIGATION

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JUL 31 2002

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OFFICIAL

July 30, 2002

TELECOPIER COVER SHEET

TO: Examiner Bao Thuy Nguyenn
PTO-Group Art Unit 1641

TELECOPIER NO.: (703) 872-9306

FROM: Susan Hess
McHale & Slavin

PAGES INCLUDED: 4 (including cover sheet)

TELECOPIER NO.: (561) 625-6572

REGARDING: Serial No. 09/954,972
Our Ref: 2132.074

SPECIAL INSTRUCTIONS:

Enclosed please find a Transmittal Letter and Petition under 37 CFR §1.102 for the above-identified application.

In the event you have any questions, please do not hesitate to contact our office at (561) 625-6575.

PRIVACY AND CONFIDENTIALITY NOTICE

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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below to Examiner Bao Thuy Nguyen at (703) 872-9306.

Date: 7-30-02Susan Hess
Susan HessGROUP 1600
OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: : JACKOWSKI, et al.
INVENTION: : DIAGNOSIS AND TREATMENT OF EARLY
PRE-TYPE-1 DIABETES UTILIZING GLIAL
FIBRILLARY ACIDIC PROTEIN
SERIAL NUMBER : 09/954,972
FILING DATE : September 17, 2001
EXAMINER: : Nguyen, Bao Thuy
GROUP ART UNIT : 1641
ATTORNEY DOCKET NO. : 2132.074

TRANSMITTAL LETTER

Commissioner for Patents
Washington, D.C. 20231

Sir:

Please find enclosed for filing:

- ☒ Petition Under 37 CFR §1.102
☒ Please charge Deposit Account No. 50-1803 in the amount of \$130.00 for Petition fee.
☒ Please charge any deficiencies or credit any overpayment to Deposit Account No. 50-1803

Date: 7/30/2002

Respectfully Submitted,

Ferris H. Lander

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